

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

TIMOTHY DONALD HURICKS,

Plaintiff,

versus

MISTY SUMNER, *et al.*,

Defendants.

CIVIL ACTION NO. 9:23-CV-64

**ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Timothy Donald Huricks, an inmate confined at the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983. The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the action as frivolous and for failure to state a claim upon which relief may be granted. To date, the parties have not filed objections to the report.

The court received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, the Report and Recommendation of the United States Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 17th day of November, 2023.

Maria A. Crone

MARCIA A. CRONE

UNITED STATES DISTRICT JUDGE